

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 IN RE: TERRORIST ATTACKS) 03-MDL-1570 (GBD) (SN)
4 ON SEPTEMBER 11, 2001)
5)
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8 — — —
9 Wednesday, July 14, 2021

10 — — —
11 THIS TRANSCRIPT CONTAINS
12 CONFIDENTIAL MATERIAL
13 — — —

14 Remote video-recorded deposition of JONATHAN M.
15 WINER, VOLUME II, held at the location of the
16 witness, commencing at 9:36 a.m., on the above date,
17 before Debra A. Dibble, Certified Court Reporter,
18 Registered Diplomate Reporter, Certified Realtime
19 Captioner, Certified Realtime Reporter and Notary
20 Public.
21
22
23

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1 confirm that, please?

2 A. I'm not familiar with any of these three
3 documents. My reliance material chart was prepared
4 by the law firm from the materials that I used, the
5 materials they provided them, but I don't recollect
6 seeing any of those three documents. I don't know
7 what's in them. I don't know what they refer to. I
8 don't believe they've been given to me. If they
9 have been given to me, I have no memory of them.

10 And I don't know what else there is for
11 me to say.

12 Q. There's nothing else for you to say.
13 That's all I wanted to ask you.

14 MR. LEWIS: And now I have completed
15 my questioning, subject to any reexamination
16 that may be based on other questioning. Thank
17 you, Mr. Winer.

18 THE WITNESS: Thank you, Mr. Lewis.

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20 EXAMINATION

21 -----

22 BY MS. PRITSKER:

23 Q. Are we all set, Mr. Winer? Hi, it's nice
24 to meet you. My name is Gabrielle Pritsker, and I'm
25 counsel on behalf of defendant Dubai Islamic Bank.

1 individual entities, but that does not mean I had no
2 experience.

3 Q. Mr. Winer, what was your experience in
4 the process for designation and de-designation under
5 executive order 13224 during your service in the
6 U.S. government?

7 A. As I previously testified, I had many,
8 many, many interagency discussions of how one would
9 approach designations in the area of organized
10 crime. I had discussions with how we were doing it
11 in connection with the terrorist designations. For
12 comparison, I became familiar with what the U.S.
13 government did to go through the designation
14 process.

15 More recently, in the period 2013 to
16 2017, I participated in discussions of designations
17 of individuals and entities, some of whom were
18 actually designated under other executive orders,
19 which is the same process.

20 Q. Mr. Winer, in your participation in the
21 interagency's discussions of how one would approach
22 designations in the area of organized crime and also
23 in the context of terrorist organizations, that was
24 during your time in the State Department that ended
25 in 1999; is that right?

1 answer the question that I pose to you.

2 MR. HAEFELE: I'm going to object to
3 the fact that you're mischaracterizing his
4 response as nonresponsive.

5 Q. (BY MS. PRITSKER) Which MAK personnel
6 was linked to the 1993 World Trade Center bombing?

7 A. I answered this question previously.
8 I'll answer it again. As stated by the U.S.
9 Treasury, MAK is considered to be the precursor
10 organization to al-Qaeda and the basis for its
11 infrastructure.

12 Then skipping: After Azzam was killed,
13 UBL and Sheikh Omar Abdel Rahman, The Blind Sheikh,
14 continued to use MK to recruit fighters for the
15 Soviet-Afghan conflict. Sheikh Omar Abdel Rahman
16 was implicated in the 1993 World Trade Center
17 bombing and has been convicted for unrelated crimes
18 pertaining to planning terrorist attacks in the New
19 York area.

20 MS. PRITSKER: Object to your answer
21 as nonresponsive. Move to strike except for
22 your answer that Sheik Abdel Rahman was
23 involved in the 1993 World Trade Center
24 bombing.

25 Q. (BY MS PRITSKER) I'm going to ask my

1 question again: Which MAK personnel were linked to
2 the 1993 World Trade Center bombing.

3 MR. HAEFELE: Objection, asked and
4 answered. It's getting harassing at this
5 point.

6 A. Well, elsewhere in the report I described
7 additional MAK personnel and their roles in
8 al-Qaeda. As I've mentioned previously, MAK being a
9 precursor to al-Qaeda and al-Qaeda itself are
10 different labels associated with different elements
11 or phases of activity involving the same
12 constellation of people. And so this constellation
13 of people included people who were involved in the
14 World Trade Center bombing, of which he was
15 involved. You've got Ramzi Yousef, for example, who
16 was in that territory. And I don't know who else
17 treasury was referring to in its quote. That's the
18 constellation of people who were relevant here.

19 Q. (BY MS. PRITSKER) Can you list all the
20 participants in the 1993 World Trade Center bombing?

21 A. Offhand? No.

22 Q. Can you name any participants in the 1993
23 World Trade Center bombing?

24 A. I just named two.

25 Q. Can you please name the participants that

1 you know that were involved in the 1993 World Trade
2 Center bombing?

3 A. If we turn to the indictment in the
4 bombing, I'd be happy to go through with it -- with
5 you.

6 I wouldn't want to add or subtract from
7 the actual list that was determined by the justice
8 department and prosecutor in the case.

9 Q. In your current knowledge as an expert
10 sitting here today, can you please list any
11 participants that were involved in the 1993 World
12 Trade Center bombing?

13 A. Abdel --

14 MR. HAEFELE: Object to the form.

15 A. Omar Abdel al Rahman, the Blind Sheikh.

16 Q. (BY MS. PRITSKER) Any others?

17 A. Yeah, Yousef, Ramzi.

18 Q. Other than the Blind Sheikh and Ramzi
19 Yousef, any other?

20 A. Not that come to my mind at this
21 particular minute, in the 13th hour of the
22 deposition, without being able to review records of
23 that.

24 Q. Are you an expert on the Bojinka plot for
25 the purposes of this case?

1 A. My expertise includes reading about the
2 Bojinka plot. I've read a fair amount about it.

3 I was not a participant in investigating
4 the Bojinka plot, but it's important. It provides
5 an important reference point for my understanding of
6 the development of al-Qaeda and its global strike
7 capabilities, as well as the activities that were
8 undertaken by IIRO in Indonesia and the Philippines,
9 that set the stage for the activities in the Bojinka
10 plot, so yes.

11 Q. Do you have an opinion on whether the
12 Bojinka plot was an al-Qaeda plot?

13 A. It had people who are affiliated with
14 al-Qaeda who were involved. It's an interesting
15 question, theological question, as to whether you
16 would call that an al-Qaeda plot or a plot by people
17 involved with al-Qaeda.

18 Certainly the Bojinka plot was a
19 foundational element for what al-Qaeda then did to
20 the United States in 9/11. It was a precursor event
21 involving some of the same people, some of the
22 activities, some of the ideas, including the
23 specific ideas of kidnapping, hijacking a number of
24 planes at once. So it's an important part of the
25 puzzle to piece together to understand what

1 happened, which is why it was -- it's been typically
2 included and discussed in reviews of what happened
3 in 9/11, including by the 9/11 Commission, if my
4 memory is correct.

5 Q. Were the people involved in the Bojinka
6 plot members of al-Qaeda at the time they carried
7 out the Bojinka plot?

8 A. As I previously testified, the labels
9 change over time, and membership in al-Qaeda is a
10 flexible rather than a fixed concept, because
11 al-Qaeda worked with other terrorist organizations
12 to carry out its efforts to damage the United States
13 and to carry out terrorist activities elsewhere.

14 So were there people involved with the
15 Bojinka plot who were involved with al-Qaeda?
16 Absolutely.

17 Q. Who are the people who were involved in
18 the Bojinka plot? Can you name the participants?

19 A. We just discussed the key plotter.

20 Q. And what was the key plotter's name to
21 the Bojinka plot?

22 A. I think it's -- I think his name is Ramzi
23 Yousef Halza, but at this point in the deposition
24 I'm getting tired and so my ability to bring names
25 up that I know well is receding at about 13 hours.

1 Q. Okay.

2 A. And that's what's going on. It's much
3 easier for me now if I'm allowed to look at material
4 that's basic material that goes with my opinions in
5 which I'm able to have articulated answers, I'll
6 answer the questions that I was asked more
7 precisely, closer to the material than just plucking
8 things out of memory.

9 MS. PRITSKER: Mr. Winer, my
10 apologies. I'm going to interrupt you right
11 now. I'm going to object and move to strike
12 most of your answer as nonresponsive to my
13 question. I understand that you are tired.
14 Would you like to take a break before we
15 continue?

16 THE WITNESS: Sure.

17 MS. PRITSKER: Okay.

18 MR. HAEFELE: While we're on the
19 break, let me just comment that, you know, I
20 understand what you're doing and I'm not going
21 to stop you from doing it, but my
22 understanding was that this was not an
23 endurance contest and that you weren't going
24 to be testing his memory on names that are
25 easily something that an expert would get off